

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ... 428 J STREET, STE 800, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement  
(916) 322-3662 322-3660 322-5901 322-6441

September 13, 1985

Daniel F. Bamberg, President  
Mission Hills Democratic Club  
405 West Washington St., No. 177  
San Diego, CA 92103

Re: Our File No. A-85-174

Dear Mr. Bamberg:

I apologize for the delay in responding to your letter of August 6, 1985, which requested advice with respect to the campaign disclosure provisions of the Political Reform Act (Gov. Code Sections 81000-91015). Specifically, you asked whether the Mission Hills Democratic Club is receiving "contributions" as defined by the Act.

FPPC regulation 2 Cal. Adm. Code Section 18215 (copy enclosed) defines the term "contribution" as "any monetary or nonmonetary payment made for political purposes for which full and adequate consideration is not made to the donor." The regulation also states that a payment is made for "political purposes" if it is:

For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure.

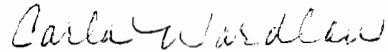
As I told you during our telephone conversation today, all of the activities described in your letter fall within this definition and, therefore, the Mission Hills Democratic Club is a "recipient committee" pursuant to Section 82013(a) of the Political Reform Act. In addition, because the Club has received a charter from the San Diego County Central Committee, it qualifies as "an official committee of a political party" pursuant to subsection (a)(2)(C) of Regulation 18215.

Enclosed please find the FPPC Information Manual on Campaign Disclosure Provisions of the Political Reform Act along with the disclosure forms the Club will need to file.

Daniel F. Bamberg  
September 13, 1985  
Page 2

If you need additional information or assistance, please do not hesitate to contact me at (916) 322-5662 or the Commission's Los Angeles office at (213) 620-5196.

Sincerely,

A handwritten signature in cursive script that reads "Carla Wardlow".

Carla Wardlow  
Political Reform Consultant

Enclosures

F P P C MISSION HILLS DEMOCRATIC CLUB  
AUG 8 12 58 PM '85 405 West Washington Street, No. 177  
San Diego, California 92103

August 6, 1985

Executive Director  
FAIR POLITICAL PRACTICES COMMISSION  
1100 "K" Street, Second Floor  
Sacramento, California 95814

Re: Advice Pursuant to F.P.P.C.  
Regulation §18329(d)

Dear Executive Director:

I am the president of the recently formed Mission Hills Democratic Club. We have 87 paid members and hope to substantially increase our membership in the near future.

Our annual dues range from \$25.00 to \$100.00. However, members are encouraged to donate at least \$100.00 and some members have paid as much as \$500.00 to join.

It is our intention to publish a "monthly newsletter". This newsletter will be sent to all registered Democrats within a certain geographical area...an area that includes over 5,000 registered Democrats. Note the newsletter will be sent to all registered Democrats, not just to members of the Club. It is also our intention to hold "nominating conventions" and to endorse candidates that will appear on the ballot of voters within our boundaries.

Once a candidate receives the endorsement of the Mission Hills Democratic Club, the Club intends to support that candidate in our newsletter. Also, to the extent possible, our Club members will walk precincts on behalf of candidates, endorsed by the Club. Finally, should the Club have funds available, we intend to contribute to the campaigns of Club-endorsed candidates.

Are we a committee as described in Government Code §82013? If we are a committee, what are our reporting obligations?

Fair Political Practices Commission  
August 6, 1985  
Page Two

Originally I did not think the Mission Hills Democratic Club would be covered by the Political Reform Act of 1974 because we are not associated with any particular campaign. However, I find the language of Government Code §82015, defining a "contribution", so broad as to possibly include the activities of the Mission Hills Democratic Club.

I am enclosing a copy of our Bylaws. Note that we have received a "Charter" from the San Diego County Central Committee.

To date we have made no political type expenditures, having only just become organized! We intend to send out our first Mission Hills Democratic Club newsletter in mid-September, 1985.

Please contact me at my office, [(619) 296-5077], if there are any questions I can answer to assist you in this matter.

I appreciate your attention to this matter and look forward to your response.

Respectfully,

MISSION HILLS DEMOCRATIC CLUB

  
Daniel F. Bamberg  
President

DFB:yds  
Enclosure

BYLAWS  
OF  
MISSION HILLS  
DEMOCRATIC CLUB OF SAN DIEGO COUNTY

ARTICLE I

NAME

The name of the organization shall be the "Mission Hills Democratic Club of San Diego County".

ARTICLE II

GEOGRAPHICAL DESIGNATION FOR RESIDENT MEMBERSHIP

Mission Hills, as defined for purposes of the Mission Hills Democratic Club, shall be bounded on the North by Interstate 8, on the East by Interstate 163, on the South by Laurel Street and on the West by Interstate 5.

ARTICLE III

PURPOSE

The purpose of the Mission Hills Democratic Club is to foster the ideals of the Democratic Party by stimulating an active interest in the Democratic Party; providing a constructive role for the volunteer in Democratic Politics; and contributing to party leadership and responsibility, promoting harmony within the party, supporting the party platform and electing democratic candidates in all elections, partisan and non-partisan, local, State-wide and national.

ARTICLE IV

MEMBERSHIP

Section 1. Types of Membership.

There shall be three categories of membership in the Mission Hills Democratic Club: resident, associate and sustaining.

Section 2. Resident Membership.

A person residing in Mission Hills who is a voter, registered as a Democrat or, if unable to register to vote, has expressed the intent to register to vote as a Democrat, shall be eligible for resident membership status in the Mission Hills Democratic Club.

Section 3. Non-Resident Membership.

A person residing in San Diego County, but not residing in Mission Hills who is a voter, registered as a Democrat or, if unable to register to vote, has expressed the intent to register to vote as a Democrat, shall be eligible for non-resident membership status in the Mission Hills Democratic Club.

Section 4. Associate Membership.

A person not registered as a Democrat shall be eligible for associate membership status in the Mission Hills Democratic Club, but shall be ineligible to vote.

ARTICLE V

DUES

Section 1. Amount.

The annual dues for each category of membership may be established from time to time by a majority vote of the general membership. As of January 1, 1985, and until such time as the general membership shall establish a different amount, the annual dues of membership in the Mission Hills Democratic Club shall be as follows:

- a. Resident Membership ..... \$25.00
- b. Non-Resident Membership .... \$50.00
- c. Associate Membership ..... \$100.00

Section 2. When Due.

Annual dues for membership in the Mission Hills Democratic Club shall be paid upon becoming a member and on or before February 1, of each year thereafter.

Section 3. Hardship.

Upon application to the Membership Committee and upon a majority vote of the membership, an applicant for membership may initially be admitted to the Mission Hills Democratic Club for an amount less than that established by these Bylaws or that set by the general membership pursuant to Article V, Section 1. A member, admitted to membership pursuant to this Section, shall pay annual dues as specified in Article V, Section 1, unless application again be made to the Membership Committee and the general membership approves of some different amount.

## ARTICLE VI

### VOTING

Section 1. Eligibility To Vote.  
Only those resident and non-resident memberships, current in their payment of dues may vote.

Section 2. One Vote Per Membership.  
A membership held in the name of one or more individuals shall be entitled to one vote.

Section 3. Proxy And Absentee Voting.  
No proxy voting or absentee ballots shall be permitted for endorsement of candidates for political office. Proxy voting and absentee ballots shall be accepted for proposed changes in the club's Bylaws, Resolutions and elections.

Section 4. Majority Vote.  
Except for amendments to these Bylaws, which shall require a two-thirds vote, all other votes taken of the general membership shall require a majority vote of the members then present and voting. For purposes of this Section, a member casting an absentee ballot or a proxy shall be considered present and voting.

## ARTICLE VII

### ELECTED OFFICERS

Section 1. Elected Officers.  
The elected officers of the Mission Hills Democratic Club shall be the President, Executive Vice-President, Administrative Vice-President, Secretary and Treasurer.

Elected officers shall hold office for two years from the close of the June general meeting and serve until a new slate of officers take over after the June general meeting two years following their election.

Section 2. Duties Of Elected Officers.

(a) President. The President shall be responsible for the club's public relations, shall preside over all meetings of the club and of the Executive Committee and shall perform all other duties which are incidental to the office of the President.

(b) Executive Vice-President. The Executive Vice-President shall take over the duties of the club in the absence of the President and shall be

responsible for the club's political action program and shall serve as chair of the nominations committee.

(c) Administrative Vice-President. The Administrative Vice-President shall be responsible to plan programs for the general meetings of the club and shall serve as chair of the Events Committee.

(d) Secretary. The Secretary shall keep the minutes of the general meetings and Executive Committee meetings, conduct correspondence, maintain the club's records and be responsible for internal communications of the club including the club's newsletter and telephone communications program, and shall chair the Membership Committee.

(e) Treasurer. The Treasurer shall receive and hold all club funds. The Treasurer shall prepare a quarterly report of the club's financial situation for presentation at the general meeting, shall make the books and all other financial records of the club available for audit in the month of May of each year, shall be responsible for the collection of dues and the fundraising activities of the club, and shall chair the Finance Committee.

Section 3. Elections.

At the March general meeting the President shall name four members to serve on the Nominating Committee chaired by the Administrative Vice-President. The Nominating Committee shall select at least one candidate for each elective office and report their selections at the general meeting in June.

This report shall constitute nominations, and the floor shall be open for further nominations.

Those members nominated at the March general meeting shall be voted upon at the June general meeting by secret ballot. Those nominees who receive a majority vote shall be declared elected. If no person receives a majority of votes cast, a run-off shall be held between those two persons receiving the greatest number of votes and the person who thereupon receives a majority of votes cast shall be declared elected.

Section 4. Replacement.

Should any officer fail to attend three regularly scheduled general meetings in succession without reasonable cause, the office shall be declared vacant by the Executive Committee.



Any vacant elective office shall be filled by appointment by the Executive Committee subject to ratification by the membership at the next general meeting, provided that the membership is notified in the manner specified in Article IX, of the Bylaws. If the club does not ratify the choice of the Executive Committee, then nomination shall be accepted from the floor at the meeting. If more than one person is nominated, then election will be by secret ballot and the person receiving majority of votes cast shall be declared elected.

Section 5. Appointed Officers.

The President shall appoint a parliamentarian and any other officers not otherwise specified by these Bylaws as required for the general well being of the club.

## ARTICLE VIII

### STANDING COMMITTEES

The Mission Hills Democratic Club shall have the following standing committees: Finance, (and) Membership;

Section 1. Finance.

The Finance Committee shall be chaired by the Treasurer and comprised of at least five other members appointed by the Treasurer and ratified by the Executive Committee. The Finance Committee shall be responsible for all fundraising activities and for insuring that the Mission Hills Democratic Club adheres to sound financial practices.

Section 2. Membership.

The Membership Committee shall be chaired by the Secretary and comprised of at least five other members appointed by the Secretary and ratified by the Executive Committee. The Membership Committee shall be responsible for maintaining a current list of the membership, obtaining new members, and publishing and distributing a Mission Hills Democratic Club Newsletter to the membership at least four times per year.

Section 3. Events.

The Events Committee shall be chaired by the Administrative Vice-President and comprised of at least five other members appointed by the Administrative Vice-President and ratified by the Executive Committee. The Events Committee shall be responsible for scheduling at least four meetings per year for the general membership and such other meetings or events as the Events Committee shall from time to time schedule.

Section 4. Executive.

The Executive Committee shall be chaired by the President and comprised of all elected officers. The Executive Committee shall be responsible for carrying out the club's business between general meetings in a manner not inconsistent with actions taken at general meetings and any other duties specified in these Bylaws or in Roberts' Rules of Order, Newly Revised.

The President shall call a meeting of the Executive Committee at least once a month, however a meeting may be called by a majority of elected officers. The quorum at an Executive Committee meeting is a majority of elected officers.

If immediate action is needed, the Executive Committee may act by telephonic vote, but such actions are subject to ratification at an Executive committee meeting to be called as soon thereafter as feasible.

ARTICLE VIX

MEETINGS

Section 1. General Meetings.

There shall be at least four general meetings of the membership per year. General meetings shall be held at a time and place specified by the Executive Committee.

Section 2. Quorum.

A quorum at a general meeting shall be ten percent (10%) of the club's resident and associate members in good standing.

Section 3. Parliamentary Authority.

Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for the club on all questions not covered by the Bylaws.

ARTICLE X

NOTICE

At least seven days prior to the general meeting, the Secretary shall cause to be deposited into the regular United States mail a newsletter or notice addressed to each member in good standing with the club. The newsletter or notice shall specify the time, place and date of the general meeting, proposed changes in the Bylaws, resolutions, endorsements and elections which are to be voted upon at the upcoming general meeting.

## ARTICLE XI

### CANDIDATE ENDORSEMENT

The club may endorse and/or contribute financially to Democratic candidates in partisan elections or any candidate in a non-partisan election, as directed by a majority vote at a general meeting provided that notice is given as specified in Article IX, of these Bylaws.

## ARTICLE XII

### AFFILIATION

The club shall affiliate as an associate member of the San Diego County Democratic Central Committee and pay the current annual fee.

## ARTICLE XIII

### AMENDMENT

These Bylaws may be amended by a two-thirds vote at a general meeting after such amendment has been presented at the general meeting the preceding vote and notice is provided as specified in Article IX of these Bylaws.

## ARTICLE XIV

### ADOPTION

These Bylaws shall become effective immediately upon their adoption and shall supercede any other Constitution, Bylaws, and any other document of this club with which it is inconsistent.

Adopted on March 14th, 1985 at the  
first regular meeting of the  
Mission Hills Democratic Club.